

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

AT BECKLEY

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 5:23-cr-00133

ANDREW FLESHMAN

ORDER

On November 2, 2023, came the Defendant, in person and by counsel, along with the Assistant United States Attorney, for a hearing respecting Defendant's guilty plea to Count One.

First, following inquiry, the Court found the Defendant competent to proceed. Second, the Assistant United States Attorney summarized and tendered the signed plea agreement. Third, the Defendant waived the reading of the Information. The Defendant then pled guilty to Count One of the Information.

The Court assured Defendant understood – and knowingly and voluntarily waived -- his right to an indictment. Defendant then signed a Waiver of Indictment.

Fourth, the Court read the material portions of the statute violated and explained the elements of proof. Following further inquiry, the Court found a supporting factual basis for the guilty plea. Fifth, after explaining the nature of the charge and the consequences of pleading guilty, the Court found that the Defendant understood. Sixth, the Court was also satisfied during its colloquy -- and found -- that the Defendant understood the constitutional and other rights forfeited

by pleading guilty. In conclusion, the Court further assured and found that the Defendant's plea was voluntary.

Based upon the foregoing, the Court (1) deferred acceptance of the plea agreement pending sentencing, and (2) adjudged the Defendant guilty. The Defendant is deemed convicted of the charged offense.

The Court **ORDERS** that the following dates and case events culminating in the Judgment be scheduled as follows:

Date for Probation Office to send draft presentence report to the parties	12/28/2023
Date for parties' objections to the draft presentence report	1/11/2024
Date for Probation Office to send final presentence report to the Court	1/25/2024
Date for parties to file sentencing memoranda (five-page limit)	2/1/2024
Date for sentencing	2/22/2024 @ 10:00 a.m.

The Defendant is released upon execution of a \$10,000 unsecured bond, subject to the conditions set forth in the Order Setting Conditions of Release.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: November 6, 2023



Frank W. Volk
 Frank W. Volk
 United States District Judge